

REMARKS/ARGUMENTS

Claims 4 and 5 are pending in the present application. Claim 4 is amended herein. No new matter is introduced as a result of these amendments. Claims 4 and 5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description. Claims 4 and 5 are further rejected under 35 U.S.C. 102(b) as being anticipated by Prosenbauer (USPN 4,286,510). Applicants respectfully traverse all rejections for the reasons set forth below.

Claim Rejections - 35 USC § 112

Claims 4 and 5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. 35 U.S.C. 112, first paragraph, requires that the specification shall contain a written description of the invention in such full and concise terms as to enable any person skilled in the art to which it pertains to make and use the same. The Examiner asserts that there is no support in the original specification for having a "predetermined" salt and nitrite concentration as recited in claim 4. However, Applicant respectfully asserts that one of ordinary skill in the art of supplying brine solutions to meat products would understand that "having a predetermined salt and nitrite concentration" as recited in claim 4 is a simplification of the part of the original specification that discloses utilizing a visual inspection and/or historical data to determine the location of lean and fat areas in a meat product 14, and according to that information, "the brine solution supplied to each reservoir 24 is formulated to have the optimum salt and nitrite concentration for the lean and fat distribution for the particular meat product 14 to be treated" (page 3, lines 17-23). Applicant respectfully asserts that this portion of the specification

provides proper antecedent basis for this limitation of claim 4. Thus, Applicant respectfully asserts that the rejection of claims 4-5 under 35 U.S.C. 112, first paragraph, is traversed.

Claim Rejections - 35 USC § 102

Claims 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Prosenbauer. Claim 4, as amended, requires in part "a plurality of injection heads located over the conveyor, wherein the plurality of injection heads forms a single injection zone... wherein the plurality of injection heads move downwardly to simultaneously inject the meat product as the meat product advances on the conveyor into the injection zone, based upon historical data to determine a location of lean and fat areas in the meat products by having **a first injection head in said plurality of injection heads connected to a first reservoir** having a high concentration of brine to penetrate an area of fat, and by having **a second injection head in said plurality of injection heads connected to a second reservoir** having a lower concentration of brine to penetrate an area of lean" (emphasis added). Antecedent basis for these amendments to claim 4 can be found in the original specification on page 3, line 17 - page 4, line 5.

In contrast, Prosenbauer discloses a first set of injection needles 7 forming a first injection zone and connected to a first storage container 20 and a second set of injection needles 7 forming a second injection zone and connected to a second storage container 20 Figs. 1 and 3, col. 3, lines 33-43 and col. 4, line 10 and lines 52-56). As depicted in Figures 1 and 3, as the meat product 5 travels along the conveyor 4, it is first injected by one set of needles 7 in a first injection zone, and subsequently injected by a second set of needles 7 in a second injection zone. As depicted in Figure 2, each set of needles 7

injects the meat 5 at points throughout the meat product 5. In contrast, the apparatus recited in claim 4 injects one brine concentration into an area of fat, and a different brine solution into an area of lean on the same piece of meat.

As set forth above, Prosenbauer fails to teach or suggest each and every element recited in independent claim 4. Therefore, Applicant respectfully asserts that the rejection of claim 4 under 35 U.S.C. 102(b) as being anticipated by Prosenbauer is traversed, and that claim 4 is in condition for allowance. Claim 5 is dependent on claim 4 and recites an additional limitation, therefore the rejection of claim 5 under 35 U.S.C. 102(b) as being anticipated by Prosenbauer is also traversed.

CONCLUSION

In light of the response presented herein, Applicants respectfully assert that claims 4-5 of the present application overcome the rejections of record, and therefore earnestly solicit allowance of this claims.

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

No fees or extensions of time are believed to be due in connection with this response. However, consider this a request for any fee or extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



Timothy J. Zarley
Reg. No. 45,253
ZARLEY LAW FIRM, P.L.C

Application No. 10/800,927

Attorney Docket No. P5427US1

Reply to Office Action dated June 13, 2006

Capital Square
400 Locust Street, Suite 200
Des Moines, IA 50309-2350
Phone No. (515) 558-0200
Fax No. (515) 558-7790
Customer No. 34082
Attorneys of Record

- TJZ/JAC/jlk -